

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,) No. CR 3-06-70819 BZ
)
v.) **DETENTION ORDER**
)
ULISES CASTELLANOS-CISNEROS,)
)
Defendant.)
_____)

This matter came before the Court on December 29, 2006, for a detention hearing. The defendant, Ulises Castellanos-Cisneros, was present and represented by Curtis Rodriguez specially appearing for Arturo Hernandez-Melendez. Assistant United States Attorney Dennis Nerney appeared for the United States of America.

Pretrial Services submitted a report that recommended detention. Proffers and arguments regarding detention were submitted by the parties at the hearing.

Having considered the parties' proffers and the Pretrial Services Report, I find that the government has met its burden of showing that the defendant is a flight risk and a danger to the community, and that no conditions of release will

1 reasonably assure his appearance or the safety of the
2 community. In so finding, I have considered the following
3 factors:

4 1. Given the charges defendant faces, violations of 21
5 U.S.C. 841(a)(1) and (b)(1)(A)(viii) and 21 U.S.C.
6 846, it is presumed, subject to rebuttal, that "no
7 condition or combination of conditions will
8 reasonably assure the appearance of the person as
9 required and the safety of the community." See 18
10 U.S.C. §§ 3142(e) & (g)(1). Defendant failed to
11 submit evidence to dispel either presumption.

12 2. The defendant is charged with offenses that carries
13 substantial minimum and maximum sentences, giving
14 defendant an incentive to flee.

15 3. Defendant has demonstrated no substantial ties to
16 the community.

17 4. Defendant has a prior criminal record that includes
18 conviction of one felony related to the possession
19 and purchase for sale of narcotics. In passing the
20 Bail Reform Act of 1984, Congress was particularly
21 concerned with the danger that drugs pose to the
22 community. The evidence against him on this charge
23 is strong.

24 5. Defendant presented no proposal that would
25 adequately address the concerns about flight and
26 danger to the community.

27 6. Defendant currently has an immigration detainer in
28 place, giving defendant further incentive to not

1 make his appearances.

2 Therefore, **IT IS HEREBY ORDERED** that:

- 3 1. The defendant be, and hereby is, committed to the
4 custody of the Attorney General for a confinement in
5 a corrections facility separate, to the extent
6 practicable, from persons awaiting or serving
7 sentences or being held in custody pending appeal;
- 8 2. The defendant be afforded reasonable opportunity for
9 private consultation with his counsel; and
- 10 3. On order of a court of the United States or on
11 request of an attorney for the government, the
12 person in charge of the corrections facility in
13 which the defendant is confined shall deliver the
14 defendant to an authorized Deputy United States
15 Marshal for the purpose of any appearance in
16 connection with a court proceeding.

17 Dated: January 3, 2007

18 
19 Bernard Zimmerman
United States Magistrate Judge

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